



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.350 of 2021

and

W.M.P. (MD)No.274 of 2021

Krishnammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sankarankovil Revenue Division,
Sankarankovil,
Tenkasi District.

2.The Tahsildar,
Sivagiri - Taluk,
Tenkasi District.

3.The District Registrar,
Tenkasi Registration District,
Tenkasi District.

4.The Sub Registrar,
Vasudevanallur,
Sivagiri Taluk,
Tenkasi District.

5.Unnamalaiammal

6.Avvaiyar

7.Kanniyakumari

8.Lakshmi

9.Govindaraj

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4, forbearing them from registering any document, with respect to the property, in S.No.884/3 with an extent of 0.92.50 hectare in Thirumalapuram revenue village in Sivagiri Taluk in Tenkasi District on the strength of patta No.2103, which stands jointly in the names of respondents 5 to 9, till the disposal of the appeal, preferred by this petitioner on 20.06.2016, before the 1st respondent, till the disposal of the same appeal filed against the order of the 2nd respondent vide No.RTR. 1674/2014, dated 23.03.2015, passed by the 2nd respondent.



WEB COPY

For Petitioner : Mr.Eugene.F.X
For Respondents : Mr.C.Ramesh,
Special Govt. Pleader for R1 & R2
Mr.K.Sathiyasingh,
Addl. Govt. Pleader for R3 & R4.
* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent.

2.The petitioner had filed a civil suit against the contesting private respondents in O.S.No.10 of 2015 before the District Munsif Court, Sivagiri. The suit is still pending. In the meanwhile, taking advantage of the fact that the revenue record is in their names, the private respondents are attempting to alienate the property. The petitioner could not obtain a copy of the order whereby patta was directed to be issued in favour of the private respondents herein. The petitioner has filed an appeal before the first respondent and the said appeal is pending for quite some time.

3.The first respondent is therefore directed to call for the records in the file of the second respondent and dispose of it on merits and in accordance with law after notice to the interested parties. The loss of record cannot be a ground for not considering the case projected by the petitioner herein. If necessary, the authorities may have to reconstruct the records. It is seen that the appeal was filed way back in June 2016. The matter cannot be broke any further delay. The first respondent is directed to dispose of the same within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the issue on merits. It is open to the first respondent to pass orders one way or the other.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

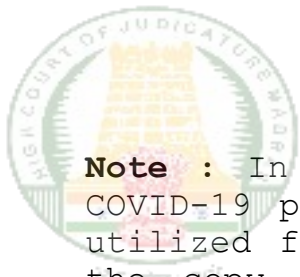
Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Revenue Divisional Officer,
Sankarankovil Revenue Division,
Sankarankovil,
Tenkasi District.
- 2.The Tahsildar,
Sivagiri - Taluk,
Tenkasi District.
- 3.The District Registrar,
Tenkasi Registration District,
Tenkasi District.
- 4.The Sub Registrar,
Vasudevanallur,
Sivagiri Taluk,
Tenkasi District.

+1 CC to M/s.GP (SR-941[F] dated 18/01/2021)

+1 CC to M/s.F.X.EUGENE, Advocate (SR-738[F] dated 11/01/2021)

W.P. (MD) No.350 of 2021
11.01.2021

sr(CO)

TR(18.01.2021) 3P 7C